

Project Name: Ash Grove Cement Dolphin Replacement
Project Address: 3801 East Marginal Way South

Date: 11/18/05

Per the City of Seattle's Shoreline Master Program (SMP)(23.60.020 B5) conditions may be attached to the approval of exemptions as necessary to assure consistency of the project with the Shoreline Management Act (SMA) and the City's SMP. The SMA declares that the interest of all people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local governments, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- 1) Recognize and protect the state-wide interest over local interest;
- 2) Preserve the natural character of the shoreline;
- 3) Result in long term over short term benefit;
- 4) Protect the resources and ecology of the shoreline;
- 5) Increase public access to publicly owned areas of the shorelines;
- 6) Increase recreational opportunities for the public in the shoreline;
- 7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate of necessary.

Additionally per SMC 23.60.020 C1 Normal Maintenance or repair of existing structures or developments, including damage by accident fire or elements are exempt if the following applies to the maintenance or repair project. "Normal Maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, **except where repair causes substantial adverse effects to shoreline resources or environment.** Replacement of a structure or development may be authorized as repair when replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance **and the replacement does not cause substantial adverse effects to shoreline resources or environment.**

Furthermore the SMA states that permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Therefore, to protect the shoreline environment as conditions for this Shoreline Exemption the following Best Management Practices and Conservation Measures are required.

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Shoreline conditions:

- Refer to the Hydraulic Project Approval permit for allowable work timing.
- Pilings to be removed shall be completely removed, if this is not possible the piling should be cut 2-ft below the mudline.
- If the pilings are cut below the mudline the exposed end of the creosote treated pile shall be covered with the appropriate material to prevent creosote from entering the environment and the void in the substrate shall be filled with clean native substrate that is of the same size and type that exists at the site.
- If the entire piling is removed the void in the substrate from the removed piling shall be filled with clean native substrate of the same size and type of the existing substrate.
- Appropriate BMPs including the items listed below shall be employed to prevent material from entering the waterway during the proposed work.
 - An oil containment boom shall be employed during all creosote timber and piling removal activities. The boom will serve to collect any floating debris, which may result from pile removal. Oil absorbent materials will be employed if a floating oil sheen is observed. The boom shall remain in place until all oily material and floating debris have been collected and sheens dissipate. Used absorbents material shall be disposed in the appropriate upland facility.
 - If heavy (sinking) debris enters the water during the repair work the location of the debris shall be documented in a log to be kept through the duration of the project. When construction is complete a diver shall retrieve all sunken debris that has entered the water during the proposed work.
- Pilings, piling stubs, and associated sediments shall be contained on a barge. A barrier such as hay or straw bales and/or filter fabric shall be placed around the perimeter of the barge to contain this material and reduce the amount of and filter the runoff, from the creosote pilings and sediment, into the aquatic environment. Used hay or straw bales and filter fabric shall be disposed of in the appropriate upland facility.
- All creosote material, pile stubs, and associated sediments shall be disposed of in the appropriate landfill (Chapter 173-304 WAC).
- The appropriate equipment and material for hazardous material clean up shall be kept at the site and employed if a hazardous material spill occurs during the proposed maintenance work.